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Civiletti withheld information

Says he kept data on Libya money to protect source

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Washington—Attorney General Benjamin R. Civiletti confirmed yesterday that for several weeks he withheld from Justice Department investigators a secret intelligence report about cash payments to Billy Carter by the government of Libya.

The disclosure comes amid reports that Republican members of the Senate subcommittee probing Mr. Carter's ties with Libya plan to sharply challenge Mr. Civiletti's handling of the Billy Carter investigation at the Justice Department.

The statement released yesterday by Mr. Civiletti, who is attending the annual convention of the American Bar Association in Honolulu, notes that in April he received "extremely sensitive intelligence information involving Billy Carter."

Mr. Civiletti said that the information indicated that a transfer of money might be made by the Libyan government to Billy Carter. The intelligence report Mr. Civiletti referred to apparently dealt with a transfer of \$200,000 from Libya that the president's brother received sometime in April. Billy Carter had earlier received a transfer of \$20,000.

To protect the source of the intelligence report, Mr. Civiletti says he withheld the report from Joel Lisker, the head of the foreign agents' registration unit, which was then probing Mr. Carter's ties with Libya.

In addition, Mr. Civiletti explained that it was unclear from the information in the secret report whether any transaction had actually taken place. He said he did not want to interfere with such a transaction since it could serve as substantial evidence if the Justice Department decided to prosecute Billy Carter.

"I believed that, if we waited, the

transaction [between Mr. Carter and the Libyans] might be completed, and the department would learn of the actual transfer of funds which could enable the Criminal Division to proceed without the risk of identifying an important intelligence source," Mr. Civiletti explained in his statement.

He concluded: "I am confident that the entire Billy Carter matter was handled independently and properly by the Department of Justice."

Mr. Civiletti said that, while he withheld the content of the secret report, he did tip off Philip Heymann, assistant attorney general, that he had "learned of highly sensitive intelligence information" concerning Billy Carter and that the investigation should not be closed.

Later, when investigators independently turned up information about the money from Libya, Mr. Civiletti felt he was able to turn the initial secret information over.

"There were now multiple sources, which diminished the risk of compromising any particular source," the attorney general said. "It also appeared that the transaction had been completed. Therefore I promptly requested that the intelligence documents I had seen in April be given to the [Justice] Department so that the Criminal Division would have access to the contents of the reports. This was done."

Sources close to the subcommittee and at the Department of Justice say that Mr. Civiletti now appears to be the most vulnerable official within the Carter administration connected with the Billy Carter affair.

Republican members of the subcommittee, anxious to reap some political gain as the election draws near, are said to be prepared to probe deeply to see if Mr. Civiletti gave special treatment to Mr. Carter because he is the brother of the president.

President Carter's effort in recent days to reveal the details of the White House involvement in his brother's activities has considerably dampened the subcommittee's interest in that portion of the controversy. However, the White House campaign has done little to answer ques-

tions raised about the way the Justice Department carried out its investigation of Billy Carter.

The day after President Carter released a series of reports detailing communications between himself, other White House officials and his brother, the controversy had subsided somewhat. Senator Robert J. Dole (R, Kan.), who has pressed for a Senate investigation of Billy Carter, indicated that prior allegations of impropriety may have been exaggerated. Other members of the panel agreed.

However, when the subcommittee met yesterday in public session, Senator Strom Thurmond (R, S.C.), vice chairman of the panel, indicated there was still interest in the way the Justice Department had handled its investigation of Billy Carter.

Sources within the Carter administration acknowledged that Mr. Civiletti is vulnerable on four prime questions when he makes his expected appearance before the subcommittee later this month:

- Why did it take the Justice Department 18 months to complete a relatively simple investigation of Billy Carter's ties with the Libya government?

- Why did Mr. Civiletti bring up the investigation on June 17 when he went to the White House to discuss judicial appointments with President Carter?

- Why did Mr. Civiletti, and other Justice Department officials, specifically deny that Mr. Civiletti had discussed the Billy Carter case with the president when asked about this in the days immediately following Mr. Carter's registration on July 14?

- Why did Mr. Civiletti fail to pass promptly on to Justice Department investigators the intelligence information he received regarding Libyan payments to Billy Carter, if, as Justice Department officials explained yesterday, he intended to do so before the investigation ended?

In testimony yesterday before the subcommittee, Robert L. Keuch, associate deputy attorney general at the Justice Department, explained that investigations of suspected foreign agents often take several months because the law requiring registration of such agents has a number of exemptions. He said it is sometimes difficult to determine if an individual comes within the scope of the statute.